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Addendum

IV. Asset recovery and international cooperation

1. At its 7th meeting, on 8 November 2017, the Conference considered agenda items 5, "Asset recovery", and 6, "International cooperation".

2. The President of the Conference chaired the debate. In her introductory remarks, she recalled Conference resolutions 6/2, entitled "Facilitating international cooperation in asset recovery and the return of proceeds of crime", 6/3, entitled "Fostering effective asset recovery", and 6/4, entitled "Enhancing the use of civil and administrative proceedings against corruption, including through international cooperation, in the framework of the United Nations Convention against Corruption".

3. A representative of the Secretariat provided an update on the activities carried out in the area of asset recovery. He introduced the note by the Secretariat on identifying victims of corruption, spontaneous sharing of information and the use of settlements and other alternative mechanisms (CAC/COSP/2017/8). Reference was also made to the note by the Secretariat on good practices in identifying the victims of corruption and parameters for their compensation (CAC/COSP/2017/11). In addition, information was provided on activities carried out to develop cumulative knowledge, build confidence between requesting and requested States and provide capacity-building and technical assistance to States. The representative made reference to a conference room paper containing a summary of the study on effective management and disposal of seized and confiscated assets.

4. A representative of the StAR Initiative reported that the Initiative, which had celebrated its tenth anniversary in 2017, had strengthened its international efforts on asset recovery through a combination of country engagements, policy influence, partnerships and regional activities, knowledge and innovation, as well as advocacy and communications. She made specific reference to the upcoming Global Forum on Asset Recovery, to be held in Washington, D.C., from 4 to 6 December 2017, which would serve as a venue for the advancement of asset recovery. It was to be co-hosted by the United Kingdom and the United States and was an outcome of the Anti-Corruption Summit held in London in May 2016. The StAR Initiative was working closely with the Global Forum's four focus countries (Nigeria, Sri Lanka, Tunisia and Ukraine) to prepare the case consultation meetings that would be organized during the event. The Initiative had further created knowledge products, including a new financial disclosure guide, supported practitioner networks and organized about

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25 direct country engagements. The country engagements had focused on, inter alia, tactical analysis and establishment of an asset recovery strategy, assistance with setting up asset recovery units, training for investigators, prosecutors and judges, case management advice, facilitating contacts with other jurisdictions and the placement of mentors. As the second cycle of the Implementation Review Mechanism became operational, more countries were identifying gaps in their asset recovery frameworks, and the representative said that the StAR Initiative stood ready to assist States parties in working towards full implementation of chapter V of the Convention.

5. A representative of the Secretariat provided an update on the activities carried out to enhance international cooperation and on the outcomes of the sixth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention. He introduced the note by the Secretariat on international cooperation in civil and administrative proceedings for the detection of offences established in accordance with the Convention (CAC/COSP/2017/2). He also referred to the note by the Secretariat on analysis of technical assistance needs emerging from the country reviews under the first implementation review cycle (CAC/COSP/2017/7) and a conference room paper on data collection and effective case management systems. He also provided an update on the online directory of competent national authorities under the Convention (CAC/COSP/2017/CRP.3). The launch of a new online resource hub on international cooperation on the UNODC website was noted.

6. In the ensuing discussion, several speakers expressed support for the activities of the Open-ended Intergovernmental Working Group on Asset Recovery and the open-ended intergovernmental expert meetings to enhance international cooperation under the Convention. One speaker noted the importance of ensuring synergies between the subsidiary bodies of the Conference of the States Parties and the Working Group on International Cooperation under the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

7. Many speakers recalled that asset recovery was a fundamental principle of the Convention and called on States parties to effectively implement chapter V of the Convention and strengthen international cooperation in that area. Depriving criminals of their ill-gotten gains was considered a strong deterrent and a reinforcement of the rule of law. Some States shared examples of ongoing or concluded efforts to recover stolen assets.

8. Several speakers underlined the value of sharing good practices, knowledge and experiences in the complex field of asset recovery. Some speakers also emphasized the importance of building trust and confidence, developing cumulative knowledge, maintaining pragmatic dialogue and overcoming differences among legal systems. The key role of the second cycle of the Implementation Review Mechanism in facilitating information exchange and identifying good practices and existing challenges was emphasized by many speakers. To that end, one speaker encouraged States parties to publish their full country review reports.

9. Some speakers reported on recent national reforms aimed at implementing the requirements of the Convention on asset recovery and international cooperation. Such reforms included the adoption or amendment of relevant laws; the establishment of dedicated asset recovery offices; the development of handbooks, guides and manuals for practitioners; the development of guidelines on existing procedures for requesting States; and the introduction of non-conviction-based confiscation. It was noted that some countries had relied on the Convention as the legal basis to facilitate mutual legal assistance and extradition, either as the sole basis or in conjunction with bilateral treaties.

10. Several speakers referred to existing obstacles to successful asset recovery, including those relating to the identification, tracing, freezing, seizure and confiscation of assets; dual criminality; and statutes of limitation. Limited capacity of the practitioners involved and lack of political will and financial resources were noted as challenges by some speakers. In order to overcome some of the practical

obstacles to cooperation, States parties were encouraged to provide up-to-date information to the UNODC directory of competent national authorities.

11. Some speakers noted the importance of the technical assistance provided by UNODC, including through the StAR Initiative, in strengthening the capacity of States in the field of asset recovery.

12. Speakers underlined the importance and challenges of cooperation not only in criminal matters but also in civil and administrative proceedings for the purpose of asset recovery, although one speaker added that, in his country's view, the Convention did not contain any obligation in that regard. However, he suggested considering whether article 14 of the Convention could be used to facilitate such cooperation.

13. Reference was made to initiatives such as the Arab Forum on Asset Recovery and the Ukraine Forum on Asset Recovery, as well as the upcoming Global Forum on Asset Recovery, and their contribution to the effective return of stolen assets. In that respect, one speaker highlighted that, with the recent online publication of the Lausanne guidelines on asset recovery and the accompanying asset recovery guides, which were the outcome of the Lausanne process, a mandate given by the Conference in its resolution 5/3 had been fulfilled. Moreover, under the Addis Ababa Action Agenda and with the support of UNODC, Ethiopia and Switzerland had organized an international expert group meeting on asset management and good practices in the use of recovered assets, including for sustainable development.

14. Many speakers noted the efforts of national financial intelligence units to trace and freeze proceeds of corruption. In that context, those speakers called upon States to remove obstacles resulting from bank secrecy and to enhance beneficial ownership transparency.

15. The importance of international networks and channels for the exchange of confidential information, such as inter-agency networks for asset recovery and the Egmont Group of Financial Intelligence Units, was highlighted by speakers. The representative of INTERPOL added that, in addition to the Global Focal Point Network on Asset Recovery of INTERPOL and StAR, INTERPOL had created a secure communication system for asset recovery (I-SECOM), which was accessible through the INTERPOL I-24/7 secure communication network. Moreover, INTERPOL was reviewing the possibility of introducing a new, silver notice, specifically for the identification, tracing, confiscation and repatriation of assets.

16. The representative of the UNCAC Coalition urged States to limit the use and scope of immunities for public officials in order to end the impunity of corrupt individuals.